

Applicants : Yingru Wu, et al.
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Filed : September 17, 2007
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REMARKS

Claims 85-116 were pending in the subject application. By this Amendment, applicants have hereinabove cancelled claims 85-116 and added new claims 117-142. Applicants maintain that this Amendment introduces no new matter. Upon entry of this Amendment, claims 117-142 will be pending.

Support for new claim 117 may be found, inter alia, at page 2, lines 25-29; page 4, lines 32-34; page 9, lines 9-11 and 16-17; page 12, lines 23-26; page 17, line 31; page 18, line 19; page 25, lines 19-24; page 31, lines 31-36; and page 59, line 34 to page 60, line 7.

Support for new claim 118 may be found, inter alia, at page 2, lines 25-29; page 3, lines 31-32; page 4, lines 32-34; page 9, lines 9-11 and 16-17; page 12, lines 23-26; page 17, line 31; page 18, line 19; page 31, lines 31-36; and page 59, line 34 to page 60, line 7.

Support for new claim 119, may be found, inter alia, at page 2, lines 25-34; page 5, lines 24-30; and page 9, lines 9-11 and 16-17.

Support for new claim 120, may be found, inter alia, at page 3, lines 29-30.

Support for new claim 121, may be found, inter alia, at page 3, lines 31-37; and page 15, lines 8-12.

Support for new claim 122, may be found, inter alia, at page 13, lines 23-30; page 13, line 37 to page 14, lines 2; page 14, lines 16-18; and page 30, lines 22-24.

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Support for new claim 123, may be found, inter alia, at page 4, lines 1-2.

Support for new claim 124, may be found, inter alia, at page 4, lines 3-12 and lines 25-26; and page 13, line 37 to page 14, lines 2 and 8. .

Support for new claim 125, may be found, inter alia, at page 5, lines 24-30; and page 9, lines 9-11 and 16-17.

Support for new claim 126, may be found, inter alia, at page 4, lines 16-17; and page 8, lines 7-14; and page 9, lines 9-11 and 16-17.

Support for new claim 127, may be found, inter alia, at page 12, lines 23-31; page 13, lines 23-30; page 13, line 37 to page 14, lines 2-8; page 14, lines 16-18; and page 17, line 31.

Support for new claim 128, may be found, inter alia, at page 14, lines 13-24.

Support for new claim 129, may be found, inter alia, at page 14, lines 25-26.

Support for new claim 130, may be found, inter alia, at page 14, lines 37-38.

Support for new claim 131 and 132, may be found, inter alia, at page 15, lines 1-2.

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Support for new claim 133 and 134, may be found, inter alia, at page 15, lines 3-5.

Support for new claim 135, may be found, inter alia, at page 14, lines 6-7; page 15, line 3-12; and page 18, line 19.

Support for new claim 136, may be found, inter alia, at page 3, line 11; page 15, lines 3-7; page 15, line 28-29; and page 17, line 31.

Support for new claim 137 and 138, may be found, inter alia, at page 15, lines 28-29.

Support for new claim 139, may be found, inter alia, at page 15, lines 30-31.

Support for new claim 140, may be found, inter alia, at page 4, lines 8-10; page 4, line 26; and page 15, lines 15-17.

Support for new claim 141, may be found, inter alia, at page 15, lines 18-25.

Support for new claim 142, may be found, inter alia, at page 4, line 26; page 13, lines 37 to page 14, lines 2 and 8; and page 16, lines 18-24.

Applicants maintain that the amendments to the claims raise no issue of new matter. Accordingly, applicants respectfully request entry of this Amendment.

Restriction Requirement Under PCT Rule 13.1

The December 28, 2009 Office Action requires restriction of

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the claims under PCT Rule 13.1 to one of the following nine
(9) groups:

- I. Claims 85 (in part), 86-87, and 90, drawn to a method of altering fiber initiation and/or elongation comprising manipulating a plant such that the production of a polypeptide is modified, wherein the polypeptide is a transcription factor, regulatory protein or a cell cycle protein, wherein the method comprises recombinantly expressing the polypeptide in said plant (**Further requiring election of one amino acid sequence from claim 86 and indicate if the polypeptide is a transcription factor, regulatory protein or cell cycle protein**);
- II. Claim 85 (in part) and 88-89, drawn to a method of altering fiber initiation and/or elongation comprising manipulating a plant such that the production of a polypeptide is modified, wherein the polypeptide is a transcription factor, regulatory protein or a cell cycle protein, wherein the method comprises reducing the level of the polypeptide in said plant (**Further requiring election of a specific antisense polynucleotide, a specific catalytic polynucleotide, or a specific dsRNA molecule**);
- III. Claims 91-93, 103 and 105, drawn to a method of assessing the potential of a fiber producing plant comprising analyzing the plant for a genetic variation in a polynucleotide (**Further requiring election of one DNA sequence and one corresponding amino acid sequence**);
- IV. Claim 94, drawn to an isolated protein (**Further requiring election of one amino acid sequence**);
- V. Claims 95, 97, 99, 101, 107 and 109, drawn to an isolated and/or exogenous polynucleotide; vector, host cell, transgenic plant and transgenic seed comprising said polynucleotide (**Further requiring election of one nucleotide sequence**);
- VI. Claims 96, 98, 100, 102, 108 and 110, drawn to a polynucleotide which is catalytic polynucleotide capable of cleaving a polynucleotide or a double stranded RNA (**Further requiring election of one DNA sequence**);

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- VII. Claims 104 and 106, drawn to a method of selecting from a breeding population a fiber producing plant;
- VIII. Claim 111, drawn to a method of identifying an agent which alters fiber initiation and/or elongation; and
- IX. Claims 112-116, drawn to a transgenic fiber producing plant (**Further requiring election of one DNA sequence and one corresponding amino acid sequence**).

On page 3 of the December 28, 2009 Office Action, the Examiner alleged that the inventions listed as Groups I-IX do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the prior art Takatusuji et al. (U.S. Patent 6,297,429) anticipates the instant claims. Specifically, Takatusuji et al. disclose a nucleic acid sequence that encodes a transcription factor transformed into a plant wherein the transcription factor is over-expressed and would inherently alter fiber initiation and/or elongation. Thus, the Examiner stated that the claims lack the same or corresponding special technical feature which is a contribution over the prior art.

Applicants' Reply

In response to the Examiner's restriction requirement, applicants hereby elect, with traverse, Group I, i.e. claims drawn to a method of altering fibre initiation and/or elongation comprising manipulating a plant such that the production of a polypeptide is modified, wherein the polypeptide is a transcription factor, regulatory protein or a cell cycle protein, wherein the method comprises recombinantly expressing the polypeptide in said plant. New claims 117-142 recite subject matter common to the invention of purported Group I.

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Furthermore, new claims 117-142 are not anticipated by Takatsuji et al.

Yet furthermore, new claims 117-142 satisfy the requirement of unity of invention and recite a contribution over the prior because Takatsuji et al. does not disclose "a polypeptide comprising consecutive amino acids whose sequence is at least 95% identical to the amino acid sequence encoded by the nucleotide sequence set forth in SEQ ID NO: 38" or "a polypeptide comprising consecutive amino acids whose sequence is at least 95% identical to the amino acids sequence set forth in SEQ ID NO: 12." Neither the purified nucleotide sequence SEQ ID NO: 38, nor the isolated amino acid sequence SEQ ID NO: 12, is disclosed in the prior art. Since the technical feature linking new claims 117-142 has not been taught by Takatsuji et al., applicants maintain that they are entitled to prosecution of all new claims 117-142 in the same application pursuant to PCT Rule 13.2.

In response to the species election requirement, applicants note that all of the new claims related to SEQ ID NO: 38 and/or SEQ ID NO: 12.

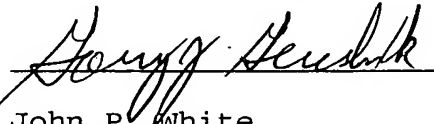
Accordingly, applicants look forward to examination of new claims 117-142 of the subject application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invites the Examiner to telephone them at the number provided below.

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No fee, other than the \$2,350 fee for a five-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

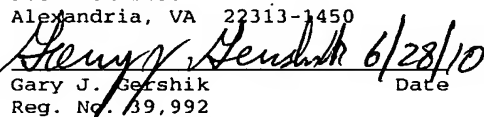
Respectfully submitted,



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Date

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